

**STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD**

In re: Application of Southwestern ) GMCB-006-15con  
Vermont Medical Center )  
To Replace its Linear Accelerator )  
 )  
 )  
\_\_\_\_\_ )

**CERTIFICATE OF NEED**

The Green Mountain Care Board issues this certificate of need (CON) pursuant to 18 V.S.A. § 9431 *et seq.* (Health Facility Planning) to Southwestern Vermont Medical Center (the applicant or SVMC) to replace its existing Siemens Oncor Impression linear accelerator with a Varian Trilogy Silhouette (Slim) SRS/SBRT linear accelerator.

The Board issues this CON based on the Findings of Fact and Conclusions of Law in the Statement of Decision and Order in this docket, and subject to the requirements and conditions set forth below.

**Project Description and Scope**

SVMC has offered its radiation oncology program since 1996, the year it installed and began using a Siemens Mevatron linear accelerator to provide radiation treatment for patients with cancer. In 2006, SVMC installed a Siemens Oncor accelerator which is still in use today. In its CON application, SVMC is seeking approval to replace the Siemens Oncor purchased in 2006 with a Varian Trilogy Silhouette (Slim) SRS/SBRT linear accelerator.

The total cost of the purchase and installation of the new replacement accelerator is \$3,949,294, which includes removal and disposal of the existing accelerator (which is fully depreciated), accessories, commissioning, renovation of the current room and vault, upgrade of electrical and mechanical infrastructure, and software, service agreement and training costs. The \$3,949,294 will be funded from an equity contribution of operating cash and cash reserves.

SVMC projects some revenue increases (less than one-half of one percent) once it begins use of the new accelerator which can be used for treatments that cannot be performed with the current accelerator. Based on incidence data from Vermont's cancer registry combined with the replacement linear accelerator's increased capabilities, SVMC projects a 2% growth in annual treatment volumes. Utilization is expected to increase by 30 procedures in 2016, 72 in 2017, and 73 in 2018.

The Project is outlined in greater detail in the Statement of Decision and Order in this docket, incorporated herein and issued today by the Board.

## **Requirements and Conditions**

The Project, subject to the following requirements and conditions, meets the statutory criteria set forth in Section 9437 of Title 18:

1. The applicants shall develop and operate the Project in strict compliance with its scope as described in the application, in other materials in the record submitted by the applicant, and in strict conformance to the Findings of Fact and Conclusions of Law set forth in the Statement of Decision and Order in this docket, and subject to the requirements and conditions herein.
2. The Project shall be fully implemented within two (2) years of the date of this certificate of need, or the certificate of need shall become invalid and deemed revoked.
3. Noncompliance with any provision of this certificate of need or with applicable ordinances, rules, laws and regulations constitutes a violation of this certificate of need and may be cause for enforcement action pursuant to 18 V.S.A. §§ 9445, 9374(i), and any other applicable law.
4. This certificate of need is not transferable or assignable and is issued only for the premises and entities named in the application.
5. If the applicant contemplates or becomes aware of a potential or actual nonmaterial change as defined in 18 V.S.A. § 9432(12) or a material change as defined in 18 V.S.A. § 9432(11) to the scope or cost of the Project as described in its application and designated in this certificate of need, the applicant shall file a notice of such change immediately with the Board. The Board shall review the proposed change and advise the applicant whether the proposed change is subject to review.
6. The applicant shall file implementation reports with the Board at six-month intervals beginning six months after the date of this certificate of need and continuing through the date that all project components are complete and fully operational and all invoices have been paid. The implementation reports shall include:
  - a. Overview of the project, including information and analysis demonstrating that the project is in conformance with the scope of the project as described in the Application. Such reports must identify any changes to the financing of the project.
  - b. A separate spreadsheet including the following columns: certificate of need approved amount, expenditures for the six-month reporting period and reporting period dates, dollars expended to date, dollars that remain, and percent under/over budget with line items under each column per the application which include renovation, equipment and contingency costs.
  - c. Verification that no material or nonmaterial changes have occurred or are contemplated.

7. After notice and an opportunity to be heard, the Board may in its discretion make such further orders as it finds necessary or appropriate to accomplish the purposes of this certificate of need and to ensure compliance with its terms and conditions.
8. All reports, notices, forms, information or submissions of any kind required to be submitted to the Board shall be signed by the applicant's chief executive officer and verified by the chief executive officer, or by his or her designated representative.
9. The conditions and requirements contained in this certificate of need shall remain in effect for the duration of the reporting period defined in paragraph 6, above.

**SO ORDERED.**

Dated: October 29, 2015 at Montpelier, Vermont.

s/ <u>Alfred Gobeille</u>	)	GREEN MOUNTAIN
	)	CARE BOARD
s/ <u>Cornelius Hogan</u>	)	OF VERMONT
	)	
s/ <u>Jessica Holmes</u>	)	
	)	
s/ <u>Betty Rambur</u>	)	
	)	
s/ <u>Allan Ramsay</u>	)	

Filed: October 29, 2015

Attest: s/ Janet Richard

Green Mountain Care Board  
Administrative Services Coordinator